

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MARTHA BERNDT, et al.,

Plaintiffs,

v.

CALIFORNIA DEPARTMENT OF
CORRECTIONS, et al.,

Defendants.

No. C 03-3174 PJH

ORDER

The court is in receipt of plaintiffs' motion for leave to seek reconsideration of the court's March 20, 2012 order denying plaintiffs' motion for class certification, based in part on documents reflecting post-hearing efforts by two plaintiffs to exhaust the administrative remedies that should have been exhausted prior to the filing of their claims a number of years ago, which were attached to two requests for judicial notice filed in October 2011 and January 2012. The court can locate no courtesy copies of these documents and no proposed orders granting the requests and was unaware of their existence until the current motion was filed. Accordingly, the requests for judicial notice have never been granted. Accordingly, plaintiffs' request for leave to file a motion for reconsideration explaining how the belated administrative exhaustion impacts the class certification analysis is GRANTED. However, because of other press of business on this court's docket, the parties will be afforded a short time frame within which to put this issue before the court. Plaintiffs' motion shall not exceed 10 pages and must be filed no later than April 26, 2012. Defendants' response shall not exceed 10 pages and must be filed no later than May 3, 2012. No reply is permitted. The matter will be decided on the papers.

IT IS SO ORDERED.

Dated: April 19, 2012



PHYLLIS J. HAMILTON
United States District Judge